

Message Text

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43

ACTION EB-07

INFO OCT-01 ARA-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

 DOTE-00 INR-07 NSAE-00 FAA-00 L-03 /026 W

----- 045626

R 041200Z JUN 75

FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC 9540

INFO AMCONSUL RIO DE JANEIRO

AMCONSUL SAO PAULO

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E.O. 11652: N/A

TAGS: EAIR, BR

SUBJECT: CIVAIR - ALLEGED DISCRIMINATORY PRACTICES

REF: STATE 112051

1. ACCORDING TO INFORMATION DEVELOPED BY CONGEN RIO, BRAZILIAN BOUND AIRFREIGHT CAN BE DIVIDED INTO TWO PARTS: 1) AIRFREIGHT BENEFITTING FROM BRAZILIAN GOVERNMENT FISCAL INCENTIVES, DUTY EXEMPTIONS, AND/OR BOUND FOR GOVERNMENT AGENCIES AND CORPORATIONS, SUCH AS PETROBRAS, CVRD, ETC., AND 2) AIRFREIGHT WITHOUT ANY OF THE ABOVE BENEFITS BOUND FOR A PRIVATE IMPORTER. FIRST CATEGORY AIRFREIGHT MUST USE BRAZILIAN FLAG PLANES (VARIG, IN THIS CASE) AND THE IMPORT LICENSE WILL CARRY A STAMP SO STATING. FOR EXAMPLE, THE ELI LILLY SHIPMENT MENTIONED REFTTEL MAY HAVE CONSISTED OF PHARMACEUTICALS BOUND FOR BRAZILIAN HEALTH AUTHORITIES AND, IF SO, WOULD FIT IN THIS CATEGORY. SECOND CATEGORY AIRFREIGHT IS NOT REQUIRED TO USE BRAZILIAN FLAG PLANES. A COPY OF A TYPICAL IJPORT LICENSE WITH THE OFFICIAL BRAZIL FLAG REGULATIONS IS BEING POUCHED TO EB/TT/OA.

2. NONE OF THE FREIGHT FORWARDERS AND IMPORTERS CONSULTED BY THE CONSULATE GENERAL KNOW OF ANY REASON OTHER THAN NORMAL COMMERCIAL REASONS FOR CHOOSING ONE CARRIER OVER
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ANOTHER WHEN THE FREIGHT IS CATEGORY 2.

3. COMMENT: GOVERNMENT AGENCIES AND CONTROLLED CORPORATIONS ACCOUNT FOR APPROXIMATELY 40 PERCENT OF BRAZILIAN IMPORTS. IF THIS PROPORTION WERE TO HOLD APPROXIMATELY TRUE FOR AIR FREIGHT AS WELL, -- ADDING THE FREIGHT BROUGHT INTO BRAZIL BY THE BENEFICIARIES OF FISCAL INCENTIVES, DUTY EXEMPTIONS, ETC., IT APPEARS THAT THE MAJORITY OF AIR FREIGHT FROM THE US MAY BE RESTRICTED TO VARIG. THE QUESTION POSED BY THESE RESTRICTIONS IS WHETHER THEY ARE IN VIOLATION PARAGRAPH OF THE PROTOCOL OF SIGNATURE TO THE AVIATION BILATERAL BETWEEN THE US AND BRAZIL GUARANTEEING EQUAL ACCESS TO MARKETS. THIS TYPE OF RESTRICTION DOES NOT REPORT NOT APPLY TO MARITIME FREIGHT COVERED BY EQUAL ACCESS AGREEMENT BETWEEN US AND BRAZIL.
CRIMMINS

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